

83451KNM
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Krishnan Chari, et al

METHOD OF MAKING RANDOM
ARRAY OF MICROSPHERES USING
ENZYME DIGESTION

Serial No. 10/062,326

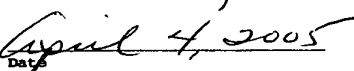
Filed 03 June 2002

Group Art Unit: 1637

Examiner: Nicholas J. Panaro

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to Commissioner For Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.


Carol A. Kukurudza


Date April 4, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

A Restriction Requirement was mailed March 21, 2005, requiring election between Group I, claims 1-11 and 18-20 regarding a method of making a microarray, and Group II, claims 12-17, regarding a microarray. According to the Patent Office, both groups of claims are classified in class 435, subclass 287.1.

Applicants traverse the restriction requirement as follows. As admitted by the Patent Office, both the process and product claims are in the same class and subclass. A search of the product claims would necessarily find processes used to form the product because both the process and product claims require a support, gelatin on the support, and microspheres immobilized in the gelatin with at least a portion of the microspheres exposed. There is no serious burden on the Examiner to search the process claims as well as the product claims. Therefore, reconsideration and withdrawal of the restriction requirement is respectfully solicited.

In the absence of withdrawal of the restriction requirement, Applicants elect Group II, product claims 12-17, for examination, with the understanding that related process claims with all the limitations of the product claims must be searched upon allowance of a product claim according to MPEP §821.04.

If the Examiner has any questions, the Examiner is invited to contact Applicants' undersigned representative.

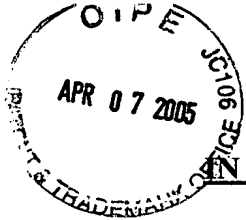
Kathleen Neuner Manne/cak
Rochester, NY 14650
Telephone: 585-722-9225
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 40,101



Docket 83451KNM
Customer No. 01333

1637
R/W

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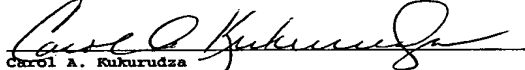
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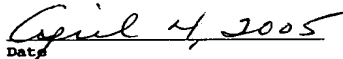
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Transmitted herewith is an amendment in the above-identified application:

- ☒ No additional fee is required.
☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		* HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL		MINUS	20	0	X 50	\$0
INDEP		MINUS	3	0	X 200	\$0
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+ 360	\$0
					TOTAL	\$0

* The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ Please charge American Express Credit Card (see attached form PTO-2038) \$0.

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☒ The Commissioner is hereby authorized to charge payment of
the following fees associated with this communication or credit any overpayment to Eastman Kodak
Company Deposit Account No. 05-0225

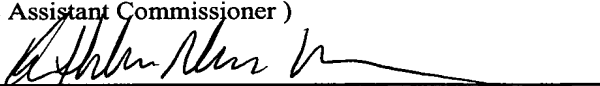
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☒ Any additional filing fees required under 37 CFR 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

(For Extensions of Time and other Petitions to the Assistant Commissioner)

Kathleen Neuner Manne/cak
Telephone: 585-722-9225
Facsimile: 585-477-1148


Attorney for Applicants
Registration No. 40,101

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